

## Message Text

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ACTION EUR-12

INFO OCT-01 IO-10 ISO-00 CIAE-00 PM-04 INR-07 L-03 ACDA-05

NSAE-00 PA-01 SS-15 PRS-01 SP-02 USIA-06 TRSE-00

SAJ-01 H-02 NSC-05 DHA-02 /077 W

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P R 221750Z OCT 75

FM USMISSION NATO

TO SECSTATE WASHDC PRIORITY 4182

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INFO USMISSION GENEVA

C O N F I D E N T I A L USNATO 5760

E.O. 11652: GDS

TAGS: PFOR, NATO, ICRC, PARM

SUBJ: INTERNATIONAL HUMANITARIAN LAW IN ARMED CONFLICT

REF: A. USNATO 5594 DTG 142020Z OCT 75;

B. USDELMC BRUSSELS 755/75 DTG 194020Z SEP;

C. USNATO 5437 DTG 062020Z OCT 75

1. AS FORECAST PARA 4, REF A, AT OCTOBER 21 POLADS, CHAIRMAN (KILLHAM-US) REPORTED ON A RECENT INFORMAL DECISION BY PERMANENT REPRESENTATIVES (PARA 4, REF A) TO INVITE NATO POLITICAL COMMITTEE CONSIDERATION OF THE NATO MILITARY COMMITTEE SEPTEMBER 23, 1975 REPORT ON ALLIANCE SECURITY IMPLICATIONS OF CERTAIN ISSUES BEFORE THE DIPLOMATIC CONFERENCE ON INTERNATIONAL HUMANITARIAN LAW IN ARMED CONFLICT (DOCUMENT MCM/63/75. FOR TEXT, SEE REF B). CHAIRMAN REQUESTED THAT DELEGATIONS BE PREPARED TO DISCUSS THIS DOCUMENT ON INSTRUCTED BASIS AT OCTOBER 29 POLADS. US REP (LEDOGAR) SAID HE THOUGHT MC REPORT HAD BEEN SATISFACTORILY REVIEWED IN OCTOBER 2-3 NATO DISARMAMENT EXPERTS MEETING (REF C). KILLHAM CALLED ON PABSCH (DIRECTOR, NATO/IS DISARMAMENT SECTION) WHO NOTED THAT SINCE DISARMAMENT EXPERTS HAD RECEIVED MC REPORT ONLY SHORTLY BEFORE THEIR MEETING, DISCUSSION HAD BEEN NECESSARILY INFORMAL  
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AND PRELIMINARY. MORE FORMAL ALLIED DISCUSSION OF MC PAPER, ON BASIS OF INSTRUCTIONS, WOULD THEREFORE BE USEFUL.

2. US REP SUGGESTED THAT A NUMBER OF REPS INCLUDING THE US

WOULD HAVE DIFFICULTY FORMULATING AN INTELLIGENT REQUEST FOR INSTRUCTIONS WITHOUT KNOWING WHICH DELEGATIONS WERE CALLING FOR DISCUSSION OF THIS PAPER AND WHICH ISSUES OR POINTS OF VIEW MIGHT BE RAISED. NETHERLANDS REP (HORAK), REVIEWING THE ORIGINS OF THE DOCUMENT, SAID HIS GOVERNMENT FEELS THE MC REPORT IS "RATHER CATEGORICAL", CONTAINING A NUMBER OF CONCLUSIONS WITH LITTLE ARGUMENTATION TO SUPPORT THEM. HE SAID THE CATEGORICAL NATURE OF THE CONCLUSIONS SEEMED TO RULE OUT ANY POSSIBILITY THAT THE USE OF CERTAIN WEAPONS COULD IN ANY WAY BE LIMITED. THE HAGUE THOUGHT PERHAPS THE MILITARY COMMITTEE MIGHT BE WILLING TO RECONSIDER SOME ASPECTS OF ITS STUDY AND TO INCLUDE MORE ARGUMENTATION FOR THE CONCLUSION REACHED, WITH PERHAPS A LITTLE MORE "NUANCE". HIS AUTHORITIES ALSO CALL FOR EVENTUAL NAC CONSIDERATION OF THE MILITARY COMMITTEE STUDY.

3. FRENCH REP (BEAUCHATAUD) CAUTIONED AGAINST CONFUSING A MILITARY STUDY OF THESE MATTERS AT 13 WITH POLITICAL CONSIDERATION OF THEM AT 15. POINTING OUT THAT "OUR EXPERTS IN LUGANO" IN JANUARY WILL FIND THEMSELVES CONFRONTING THESE SAME PROBLEMS, FRENCH REP THOUGHT IT WOULD BE USEFUL TO HAVE AN EXCHANGE OF VIEWS IN NATO. HE SAID THAT OF COURSE THERE COULD BE NO QUESTION OF SEEKING AGREED ALLIANCE POSITIONS ON THESE WEAPONS ISSUES. FRG REP (CITRON) ARGUED THAT SOME MINOR CONCESSIONS ON USE OF CERTAIN WEAPONS MIGHT COME IN HANDY TO ALLIED EXPERTS IN DEFENDING THEIR POSITIONS. HE CITED THE EXAMPLE OF BOOBY-TRAPPED CHILDREN'S TOYS IN THIS REGARD. PORTUGUESE REP (DE MACEDO) SUPPORTED THE FRENCH POSITION.

4. WITH THIS BACKGROUND, COMMITTEE AGREED TO INSCRIBE THIS ITEM ON ITS OCTOBER 28 AGENDA.

5. REQUEST GUIDANCE. BRUCE

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<< END OF DOCUMENT >>

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